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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHARA CURTIS, et al.,

11 Plaintiffs,

12 v.

13 ILLUMINATION ARTS, INC., et al.,

14 Defendants.

CASE NO. C12-0991JLR

ORDER DENYING MOTION TO
WITHDRAW

15 **I. INTRODUCTION**

16 Before the court is a motion to withdraw from representation by Defendants'
17 counsel, Matthew R. King. (Mot. to Withdraw (Dkt. # 49).) Mr. King requests leave
18 from the court to cease his representation of Defendants Illumination Arts, Inc. ("IAI"),
19 Illumination Arts Publishing, L.L.C. ("IAP"), John M. Thompson, and Kimmie Lynn
20 Thompson. *Id.* Mr. King, however, has not complied with the court's local rules
21 regarding motions to withdraw. *See* Local Rules W.D. Wash. LCR 83.2(b).
22 Accordingly, the court DENIES Mr. King's motion to withdraw but without prejudice to

1 | refiling a motion that complies with the Western District of Washington’s Local Rules.

2 | **II. BACKGROUND**

3 | On June 8, 2012, Plaintiffs Chara Curtis, Cynthia Aldrich, and Alfred Currier filed
 4 | a complaint alleging that Defendants breached their publishing contract and infringed
 5 | their copyrights. (*See generally* Compl. (Dkt. # 1).) Defendants Mr. and Ms. Thompson
 6 | initially filed notices to appear pro se. (*See* Mr. Thompson Notice of Appearance (Dkt.
 7 | # 7); Ms. Thompson Notice of Appearance (Dkt. # 8).) However, Mr. King later took
 8 | over as counsel for all Defendants. (*See* King Notice of Appearance (Dkt. # 12).) Mr.
 9 | King filed this motion to withdraw on August 23, 2013. (*See* Mot. to Withdraw.)

10 | **III. ANALYSIS**

11 | The court’s local rules provide that “no attorney shall withdraw an appearance in
 12 | any cause, civil or criminal, except by leave of court.” Local Rules W.D. Wash. LCR
 13 | 83.2(b)(1). A motion to withdraw must include “certification that the motion was served
 14 | on the client and opposing counsel.” *Id.* Also, if withdrawal will leave a party
 15 | unrepresented, the motion “must include the party’s address and telephone number.” *Id.*
 16 | Additionally, if withdrawal will leave a business entity unrepresented,¹ counsel must
 17 | certify that:

18 | [H]e or she has advised the business entity that it is required by law to be
 19 | represented by an attorney admitted to practice before this court and that
 20 | failure to obtain a replacement attorney by the date the withdrawal is
 21 | effective may result in the dismissal of the business entity’s claims for
 22 | failure to prosecute and/or entry of default against the business entity as to

21 |
 22 | ¹ While individuals and sole proprietorships may appear in court pro se, “a business
 entity . . . must be represented by counsel.” Local Rules W.D. Wash. LCR 83.2(b)(3).

1 any claims of other parties.

2 Local Rules W.D. Wash. LCR 83.2(b)(3). Although Mr. King's motion contains the
3 address and phone number of Defendants (*see* Mot. to Withdraw at 2), counsel's motion
4 fails to satisfy the remaining requirements of Local Rule LCR 83.2(b).²

5 First, Mr. King's declaration of service does not satisfy Local Rule LCR
6 83.2(b)(1). Mr. King's declaration of service only certifies that Plaintiffs' counsel was
7 served and does not indicate that Defendants were also served with the motion. (*See*
8 Mot. to Withdraw at 3.)

9 Second, Mr. King's motion to withdraw does not satisfy Local Rule LCR
10 83.2(b)(3). Although Mr. King claims to have "explained to [his corporate clients] that
11 all business entities are required by law to be represented by an attorney . . ." and the
12 consequences of failing to obtain replacement counsel (*see* Mot. to Withdraw at 1-2), Mr.
13 King has not provided any factual support for this assertion. *See* Local Rules W.D.
14 Wash. LCR 7(b)(1) ("If the motion requires consideration of facts not appearing of
15 record, the movant shall also serve and file copies of all affidavits, declarations,
16 photographic or other evidence presented in support of the motion."). Mr. King did not
17 provide a declaration in support of his assertions. (*See generally* Mot. to Withdraw.)

18 Last, assuming counsel refiles his motion to withdraw, the parties should bear in
19 mind that technical compliance with Local Rule LCR 83.2(b) does not guarantee counsel

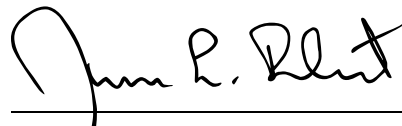
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21 ² Additionally, Mr. King's motion to withdraw and declaration of service do not satisfy
22 the electronic signature standard of the local electronic filing procedures which require the
format of "s/Name" for electronic signatures. W.D. Wash. Electronic Filing Procedures for Civil
and Criminal Cases § III(L); *see also* Local Rules W.D. Wash. LCR 11(a).

will be permitted to withdraw. “[T]he trial court retains wide discretion in a civil case to grant or deny [a] motion to withdraw.” *Bohnert v. Burke*, No. CV-08-2303-PHX-LOA, 2010 WL 5067695, at *1 (D. Ariz. Dec. 7, 2010) (citing *Le Grand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998)). The client’s consent is not dispositive. *Robinson v. Delgado*, No. CV 02–1538 NJV, 2010 WL 3259384, at *2 (N.D. Cal. Aug. 18, 2010) (citing *CE Resource, Inc. v. Magellan Group, LLC*, No. 2:08-cv-02999-MCE-KJM, 2009 WL 3367489, at *2 (E.D. Cal. Oct.14, 2009)). Rather, in considering a motion to withdraw from representation courts consider a variety of factors, including: (1) the reasons withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which withdrawal will delay the resolution of the case. *Bohnert*, 2010 WL 5067695, at *2 (citing *In re Ryan*, No. 08-6250-HO, 2008 WL 4775108, at *3 (D. Or. Oct. 31, 2008)). In a civil matters, counsel “will ordinarily be permitted to withdraw until sixty days before the discovery cut off date” Local Rules W.D. Wash. LCR 83.2(b)(1).

IV. CONCLUSION

The court DENIES Mr. Kings’ motion to withdraw (Dkt. # 49) but without prejudice to refiling a motion that complies with the court’s local rules.

Dated this 22nd day of October, 2013.



JAMES L. ROBART
United States District Judge